

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: LATEX GLOVES : MDL DOCKET NO. 1148
PRODUCTS LIABILITY :
LITIGATION :

CASE MANAGEMENT ORDER NO. 27
RE: CONFIDENTIALITY GUIDELINES FOR DOCUMENT DEPOSITORY

1. The address of plaintiffs' document depository shall be:

Plaintiffs' Steering Committee
Latex Multi-District Litigation
1401 Peachtree, Suite 234
Atlanta, Georgia 30309

2. The document depository shall be under the on-site supervision of Plaintiffs' Executive Committee Member, Ralph I. Knowles, and Nikhil R. Prabhu, an attorney working under the supervision of Mr. Knowles, and other attorneys in his firm.

3. Document receipt, coding and retrieval policies shall be established, in writing, by Plaintiffs' Steering Committee's Document Committee, co-chaired by Mr. Knowles and Michael Monheit. They shall report on a regular basis to Plaintiffs' Lead Counsel.

4. The document depository shall consist of office space and equipment sufficient to collect and maintain the documents. The document depository shall be in a locked facility, and plaintiffs are to take reasonable steps to maintain security and prevent destruction of documents or data and improper removal of originals or copies¹ of documents. To the extent that the document depository consists of an electronic database of information and images, "remote access" to the database may be given to otherwise authorized persons, provided as

¹ Throughout this Case Management Order, "copy," "copies" and "copying" shall refer to any form of reproduction, whether by paper photocopy or by any means of electronic reproduction.

follows: (a) the document depository's computer system and database utilizes a security method which will enable only authorized persons to gain access to defendants' documents; (b) if regular telephone lines are utilized for such remote access, then the document depository's computer system and database will be configured in such a way that printing of copies will only be possible at the document depository's central facility; and (c) if high speed access routes are established for remote access, then printing of copies may be permitted at remote locations only if the document depository's computer system and database are configured in such a way that they automatically create and maintain a permanent record of every copy printed by each user at each remote location.

5. Only legal counsel of record, their necessary staff and their retained experts shall be given access to the documents contained in the document depository; parties themselves shall not be given access to the document depository.

6. Plaintiffs' Steering Committee shall implement such other written policies as are necessary to ensure compliance with all applicable case management orders, including Case Management Orders 7 and 7A, and shall provide the Court with a copy of all such policies.

7. The documents, as received by the document depository, will be segregated on the basis of the party producing them. Access to documents in the plaintiffs' document depository in this action shall be permitted only to representatives of law firms that have pending, current to the time of inspection, one or more cases against the party producing the documents that are to be inspected. However, in the event that documents are produced to the document depository by a defendant that has not been sued by any member of the Plaintiffs' Steering Committee, then a limited number of members of the Plaintiffs' Steering Committee shall be designated and authorized to have access to the documents of that defendant in order

to carry out the essential functions of the document depository. The identities of the designated members of the Plaintiffs' Steering Committee shall be disclosed to counsel for the defendant in question promptly upon their designation.

8. A log shall be kept at the document depository, insofar as inspection and copying is concerned, that contains the following information:

(a) the name and affiliation with the law firm identified in ¶ 7 of the person examining, or requesting copies of, the documents, whether such examination or copying is conducted in person, by remote access, or indirectly by request;

(b) the name of the law firm with which the person identified in ¶ 7 is affiliated;

(c) the name(s) of the party(s) producing the documents that are to be inspected;

(d) the name of at least one case that the law firm identified in ¶ 7 has pending, current to the time of inspection, against the party producing the documents that are to be inspected;

(e) the date and place of examination; and

(f) if copies are printed or provided, the Bates numbers of the documents that are copied and provided to the law firm identified in ¶ 7, the date on which such copies are provided, and the place (by name and address) to which such copies are sent or delivered.

9. The aforementioned log shall be kept at plaintiffs' document depository and shall be available for review, upon good cause shown, by a party with respect to the documents it produced.

10. Authorized persons requesting access to, or copies of documents from, the document depository, must sign an acknowledgment indicating that: (a) they have read, understand, and agree to be bound by the Protective Order embodied in MDL Case Management Orders No. 7 and 7A; (b) if necessary, they have executed the Non-Disclosure Agreement attached as Exhibit A to Case Management Order No. 7A; (c) they have read, understand, and agree to be bound by the document depository rules; and (d) they subject themselves to the jurisdiction of this Court with respect to all issues set forth herein.

11. Upon good cause shown, any party may move to modify or amend this Case Management Order.

Edmund V. Ludwig, J.